

#7
SEP 26 2013

ORDINANCE NO. 4491

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PAD (COMMERCIAL) TO PAD (SINGLE-FAMILY RESIDENTIAL) (DVR13-0001 LA VALENCIANA) LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF CHANDLER, ARIZONA.

WHEREAS, application for rezoning involving certain property within the corporate limits of Chandler, Arizona, has been filed in accordance with Article XXVI of the Chandler Zoning Code; and

WHEREAS, the application has been published in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days notice of time, place and date of public hearing; and

WHEREAS, a notice of such hearing was posted on the property at least seven (7) days prior to said public hearing; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

SECTION I. Legal Description of Property:

See Attachments 'A'.

Said parcel is hereby rezoned from PAD (Commercial) to PAD (Single-Family Residential), subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "LA VALENCIANA", kept on file in the City of Chandler Planning Division, in File No. DVR13-0001, except as modified by condition herein.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
7. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
8. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
9. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement
10. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at www.chandleraz.gov/infomap, or available from the City's Communication and Public Affairs Department. The homebuilder shall post a copy of the City Facilities map in the sales office showing the location of future and existing City facilities.
11. The approximate 2-acre commercial parcel shall remain zoned PAD for neighborhood commercial C-1 uses, as adopted by Ordinance No. 2699 in case PL96-114, if not developed as a part of the single-family residential development. The commercial parcel shall require separate Preliminary Development Plan application and approval.

SECTION II. Except where provided, nothing contained herein shall be construed to be an abridgment of any other ordinance of the City of Chandler.

SECTION III. The Transportation & Development Department of the City of Chandler is hereby directed to enter such changes and amendments as may be necessary upon the Zoning Map of said Zoning Code in compliance with this ordinance.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Maricopa County, Arizona, this ____ day of _____, 2013.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this ____ day of _____, 2013.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

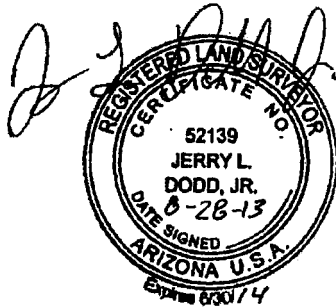
I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4491 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2013, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *GAQ*

PUBLISHED:



Ordinance No. 4491
Attachment 'A'

PAGE 1 OF 1
AUGUST 28, 2013
PROJECT # 9668-01-001

**LEGAL DESCRIPTION
LA VALENCIA
BOUNDARY**

A PORTION OF TRACT "0", KEMPTON CROSSING, ACCORDING TO THE PLAT OF RECORD RECORDED IN BOOK 483 OF MAPS, PAGE 48, RECORDS OF MARICOPA COUNTY, ARIZONA, LYING WITHIN A PORTION OF LOT 1, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 36;

THENCE TO A POINT HAVING A BEARING OF NORTH 00 DEGREES 11 MINUTES 54 SECONDS EAST, A DISTANCE OF 382.90 FEET;

THENCE TO A POINT HAVING A BEARING OF NORTH 89 DEGREES 40 MINUTES 24 SECONDS EAST, PARALLEL TO THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 65.00 FEET TO THE TRUE **POINT OF BEGINNING**;

THENCE TO A POINT HAVING A BEARING OF NORTH 89 DEGREES 40 MINUTES 24 SECONDS EAST A DISTANCE OF 260.48 FEET;

THENCE TO A POINT HAVING A BEARING OF SOUTH 00 DEGREES 11 MINUTES 54 SECONDS WEST, A DISTANCE OF 307.90 FEET;

THENCE TO A POINT HAVING A BEARING OF SOUTH 89 DEGREES 40 MINUTES 24 SECONDS WEST A DISTANCE OF 240.57 FEET;

THENCE TO A POINT HAVING A BEARING OF NORTH 45 DEGREES 03 MINUTES 51 SECONDS WEST A DISTANCE OF 28.02 FEET;

THENCE TO A POINT HAVING A BEARING OF NORTH 00 DEGREES 11 MINUTES 54 SECONDS EAST A DISTANCE OF 288.00 FEET TO THE TRUE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 790,232 SQUARE FEET OR 18.1412 ACRES, MORE OR LESS.

ordinance No. 4491
Attachment 'A'

CHICAGO TITLE INSURANCE COMPANY

LEGAL DESCRIPTION

Commercial parcel @ 1.849c

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA AND IS DESCRIBED AS FOLLOWS:

Tract 'O', KEMPTON CROSSING, according to Book 483 of Maps, page 48, records of Maricopa County, Arizona, lying within a portion of Lot 1, situated in the Southwest quarter of Section 36, Township 1 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT THEREFROM that portion of said land being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 36;

THENCE to a point having a bearing of North 00 degrees 11 minutes 54 seconds East, a distance of 382.90 feet;

THENCE to a point having a bearing of North 89 degrees 40 minutes 24 seconds East, parallel to the South line of said section, a distance of 65.00 feet to the TRUE POINT OF BEGINNING;

THENCE to a point having a bearing of North 89 degrees 40 minutes 24 seconds East, a distance of 260.48 feet;

THENCE to a point having a bearing of South 00 degrees 11 minutes 54 seconds West, a distance of 307.90 feet;

THENCE to a point having a bearing of South 89 degrees 40 minutes 24 seconds West, a distance of 240.57 feet;

THENCE to a point having a bearing of North 45 degrees 03 minutes 51 seconds West, a distance of 28.02 feet;

THENCE to a point having a bearing of North 00 degrees 11 minutes 54 seconds East, a distance of 288.00 feet to the TRUE POINT OF BEGINNING; and

EXCEPT any interest conveyed to the City of Chandler by Superior County of the State of Arizona, Final Order of Condemnation case CV 2006-092387 recorded June 05, 2007 in Recording No. 2007-0652477, records of Maricopa County, Arizona.